

SAFE AND SANE FOURTH FUNDS STOLEN

MERCURY REACHES 92 IN SPITE OF BREEZE

WEATHER—Fair to-night and Thursday.

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The



World.



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13 DEATHS FROM HEAT, WHICH REACHES 92 IN SPITE OF BRISK WIND

More Fatalities From Extreme Hot Weather Than Ever, Though Thermometer Is Several Degrees Lower.

THE TEMPERATURE TO-DAY.

8 A. M.	77	1 P. M.	80
9 A. M.	80	2 P. M.	82
10 A. M.	82	3 P. M.	84
11 A. M.	85	4 P. M.	86
12 M.	88	5 P. M.	88

HEAT'S DEATH ROLL TO-DAY.

BOWER, RICHARD, aged seventy-five, of No. 56 Buffalo avenue, Brooklyn, died from heat prostration at home.

CARLOW, THOMAS, aged sixty-three, of No. 142 Seventh avenue, died from heat prostration at his home.

CARLTON, MARGARET, aged twenty-six, of No. 23 Hope street, Brooklyn, overcome by heat and died at home.

DIAMOND, JACOB, aged forty-eight, of No. 627 Third avenue, Brooklyn, overcome at his home and died there.

GOERTZ, HENRY, aged 72, of No. 1619 Amsterdam avenue, prostrated by heat at his home and died.

GOULD, MARGARET, aged sixty-three, of No. 244 Avenue A, overcome at her home and died there.

GREEN, WILLIAM, aged fifty, of No. 1027 Pacific street, Brooklyn, collapsed from heat at home and died.

HANLON, JOHN A., aged sixty, of No. 368 Myrtle avenue, Brooklyn, prostrated at home and died there.

MILLER, GERTRUDE, aged four months, of No. 158 Nassau avenue, Brooklyn, died from heat exhaustion at home.

MORRISSEY, MARGARET, aged six months, of No. 548 West Fifty-second street, died of heat prostration at home.

OSMUSSEN, LARS, of No. 826 Park avenue, Hoboken, died of sunstroke at his home.

PAPRA, JOHN, aged two years, of No. 400 East One Hundred and Tenth street, overcome by heat at home and died there.

WAGNER, CARRIE, aged sixty-nine, of No. 451 West Forty-ninth street, died from heat prostration at her home.

A breeze of varying strength, coming out of the West and Southwest, today tempered the baking sun from which New York, with most of the other cities of the country east of the Missouri River, has suffered for the past few days. The breeze sprang up late last night and grew stronger after daybreak, weakening again later in the day. Its velocity varied from nine to fourteen miles an hour.

The Weather Bureau promised that the breeze would continue all day and to-night and that people who had bedrooms with a southern or western exposure might expect another refreshing night such as they had last night.

But to the thousands who live in homes which no breezes reach; to those who have been slowly breaking under the vital strain of the four days of heat; to the sick in hospitals and to animals who live in the air that shimmers in hot blasts over the pavements, the breeze brought no help. The death list early in the day was the heaviest of the hot spell. Prostrations were reported with as much frequency as on other days. These casualties were to be charged against Sunday, Monday and Tuesday.

TEMPERATURE 5 DEGREES LOWER TO-DAY.

The prevailing temperature to-day was 5 degrees lower than yesterday and 10 degrees lower than on Monday, owing to the breeze. The humidity, which gives to hot spells their deadliest terror, was higher than on Monday, but decreased rapidly, falling 14 degrees to 66 between 8 o'clock and 11.

The local weather forecaster said at 10 o'clock that he did not think the thermometer readings at the local weather office, on the twenty-ninth floor of the Whitehall Building, open to all the breezes from the Hudson and the bay, would go above 90 degrees, which meant that on the sunny side of the street the thermometers might be expected to read very close to 100 degrees in the afternoon. But his prediction was wrong, for at 3 o'clock the thermometer read 92 degrees and was still climbing.

Unofficially the weather men gave it as their opinion that there would be a slight lowering of temperature again to-morrow. This cheerful opinion was based rather on the general trend of things in the last few days than on any scientific data. Certainly there is no cool wave headed this way.

Reports from over the country show that at 8 o'clock this morning Chicago was the hottest city in the United States, the thermometer there reading 86. It read from 82 to 84 all along the Great Lakes.

The United States Weather Bureau in Washington announced that "material relief from the intense heat" in the "Middle and Northern Plains States," the Upper Mississippi Valley, Interior New York and New England might be expected to-day. The

(Continued on Second Page.)

NO LIGHTS TO-NIGHT FOR SOME BLOCKS ON THE EAST SIDE

Manhole Cover Blows Up at Park Avenue and Fifty-seventh Street.

MUCH DUST AND SMOKE.

Women in Plaza Telephone Exchange, Frightened by Accident, Rush to Street.

With a crash that was heard for blocks the covers blew off a big manhole at the southeast corner of Park avenue and Fifty-seventh street this afternoon at 4 o'clock. This was followed by a series of smaller reports as the other manholes northward along the avenue let go. The main manhole was protected by two covers. The top one, an iron plate weighing probably thirty pounds, sailed two hundred feet into the air in a cloud of sand and pulverized soil. The inner one was blown into scrap metal.

From the Mayfair apartment house at Park avenue and Fifty-seventh street the tenants came pouring, supposing that a bomb had gone off in the vicinity. Smoke and dust traveling through the affected conduits belched up a service elevator of the Plaza Exchange of the New York Telephone Company at No. 110 to 114 East Fifty-eighth street frightening out the women operators, who thought a fire had broken out in the building.

Patrolman O'Shaunnessy rang a fire alarm and the reserves came with the fire apparatus, but the firemen and the police dared not undertake any investigation until the New York Edison Company had shut off the power that traveled through big cables in the conduit. It then developed that an accumulation of gases in the pipes had been responsible for the explosions and that as a result of the burning out of what is known as a junction box the section bounded by Lexington and Madison avenues and Fifty-sixth and Fifty-eighth streets, would be without electric service for lights, fans and elevators to-night.

SCORES TO-DAY

NATIONAL LEAGUE.

FIRST GAME.

AT PHILADELPHIA.

GIANTS—1 0 0 0 2 0 0 1—4

PHILADELPHIA—1 1 0 2 0 2 0—6

SECOND GAME.

GIANTS—2 3

PHILADELPHIA—0 1

AT BROOKLYN.

BOSTON—0 0

BROOKLYN—0—

AT PITTSBURG.

ST. LOUIS—0 0 0 1

PITTSBURG—0 0 0 1

AMERICAN LEAGUE.

AT NEW YORK.

ATHLETICS—0 0 0

HIGHLANDERS—0 0 0

AT BOSTON.

WASHINGTON—0 0 0 1 0

BOSTON—0 0 0 0 0 0

HOT WEATHER ARREST; CAUSE: WORE OVERCOAT.

BOSTON, Mass., July 5.—Alexander Potrofski was arrested to-day because he was wearing an overcoat. He was arrested at the police station it was found he had been wearing an overcoat. He was arrested at the police station it was found he had been wearing an overcoat. He was arrested at the police station it was found he had been wearing an overcoat.

SOME HUMORS ON A HUMID DAY.



ONE WHO'S KEEP COOL.



THERE ARE WARE JADE THAN THESE DAYS.



CHENUP, THERE ARE COOLERS PLACES!

CHEER UP, IT'S COOL SOMEWHERE.

Somewhere it is raining and the air is sweet and cool. Somewhere men are fishing in the creeks; But say it in Manhattan and they'll smash the Golden Rule And tell you that your "blooming belfry leaks."

Somewhere, oh, believe me, there is succor from the heat. Somewhere one can breathe and sephyr's hum; But say it in Manhattan and they'll chase you off the beat And tell you that your "bean is on the bum."

Somewhere there's a downy couch where "one can sleep o' nights. And in the morning dodge old Sol's fierce frown; But say it in Manhattan and they'll drop you twenty fighs— And you really will be cooler "going down!"

VICTIM CATCHES SWINDLING COP AT WORK AGAIN

Famous "737" Who Had Checks Cashed Comes to Grief in Barclay Street.

Just as a man dressed in full policeman's uniform was coming out of August Secker's hotel, at Barclay and West streets, this afternoon, George Engle, who runs a butcher shop on Barclay street, chanced to be passing. He got a good look at the policeman and ran over to where Traffic Policeman John Moran was helping to untangle the wheels of a truck usually to be found at that corner.

"There's 737 over there," shouted Engle. "He's the phony cop that's been getting checks cashed for a year. He got into me once and I want him arrested."

Moran, who knew all about the deceptions of the famous No. 737, arrested the man and took him to Police Headquarters. Secker and Engle came along as complaining witnesses. The former said that the man had just tried to get him to cash a \$5 check.

At Headquarters the man was quizzed by Inspector Russell. He said his name was Louis Lewis and that he lived with his wife and several children at No. 37 East Sixty-sixth street. His police uniform bore the precinct number "9," which is the numerical designation of the Eldridge street station.

He had a shield marked "737" pinned on his coat, and he made no attempt to deny that he was the man for whom the whole department has been searching for more than a year. He declared that he was a member of the police force for more than four years and that he was broken by former Police Commissioner Baker.

He was stripped of his uniform and the police sent to a store near West and Barclay streets for a suit case in which he told them he kept a suit of civilian clothes for use in case of an emergency. He had no explanation to offer as to his reason for swindling, but expressed sorrow for his wife.

The police have been looking for "737" for a long time. More than fifty complaints have been filed at Headquarters about him, and for a time the real policeman who bore the number was in hot water constantly. He was entirely innocent of swindling, but it took months for him to convince the authorities that some one else was using his number to defraud. Eventually the number was abolished.

PUBLIC DEMAND FOR ICE CREAM CAUSES SCARCITY

One Concern Forced to Shut Retail Store to Handle Wholesalers.

The unprecedented hot wave has resulted in the greatest demand for ice cream on record, and to-day the J. M. Horton Company, which supplies practically all New York with the throat-cooling delicacy, was compelled to shut down its retail branch at No. 115 Park Row in order to supply its wholesale patrons.

If the heated term continues much longer the concern may have to close all its retail branches for the same reason, though the firm's managers declare that such a contingency is remote.

The hundreds of patrons who have been accustomed to stop in at No. 115 daily were astonished when confronted to-day with this sign on the door.

"Closed on account of nationwide rise in temperature and in order to supply our wholesale customers."

When asked what the notice portended, Managers McGrube and Umbley of the wholesale department, just around the corner at No. 7 New Chambers street, said:

"The hot weather is of course primarily responsible. Then the Fourth came along right in the midst of it and we were simply swamped. We never sold so much ice cream before in a given time as during the past four days. We couldn't make it half fast enough and our wholesale customers kicked because we kept our retail branch connected with the wholesale department going when we could not supply them."

"But we expect to catch up with the demand soon and hope it will not be necessary to shut down any more branches. But our wholesale patrons must be protected, of course, and we can't say when we shall be able to reopen No. 115."

Asked if the price of the commodity had been affected, Manager Umbley said it had not been as yet, and he did not think the Horton concern would consider raising the price at all.

NEW BOARD TO CONTROL INDUSTRIAL CORPORATIONS. WASHINGTON, July 5.—An Interstate Trade Commission of five members to control industrial corporations as the Interstate Commerce Commission controls the railroads was advocated in the Senate to-day by Mr. Newlands of Nevada. "The plan is to apply only to industrial corporations engaged in interstate trade whose annual receipts exceed \$5,000,000."

DON'T DECEIVE YOUR AFFINITY, SAYS HIGH COURT

Girl Wins Case Upon Showing That Man Who Proposed Told an Untruth.

The Appellate Term of the Supreme Court, Justice Seabury, Guy and McJury, decided to-day that when a man deceives a woman whom he asks to marry him regarding his financial condition and irreproachable character she may set that up as a defense in a breach of promise action.

Jacob Gross, employed by the clothing manufacturing firm of Sol Gross & Co., sued Helen Hochstein in the City Court for \$10,000 damages for breach of promise to marry.

In her defense Miss Hochstein says that she had promised to marry the plaintiff on Dec. 31, 1909, that the plaintiff represented to her that he was receiving \$5 per week from the clothing firm of Sol Gross & Co., and that he had a 10 per cent. interest in the business. She declares that she found his representations to be false and she refused to marry him. She also declared that she found that the defendant's character was not irreproachable, that he contracted bills that he refused to pay, that he was addicted to falsehood, and that she learned that he had pawned an engagement ring which she had given him and wore in its stead an imitation ring to deceive her.

The plaintiff demurred to the defense, but the demurrer was overruled by Justice Delehanty of the City Court and the plaintiff appealed.

Presiding Justice Seabury writes the opinion in which all concur. He says: "An agreement to marry is essentially different in its purpose from every other contract known to law. In considering what act would justify one in rescinding the agreement the law looks to mind the purpose should be accomplished by the agreement itself. Where, however, the plaintiff has been guilty of fraud in inducing the defendant's promise to marry, or of fraudulent concealment, these facts may be shown as a justification for the refusal to perform the contract, and I think it can safely be affirmed that misconduct by one of the parties, less than would justify a divorce after marriage, would justify a refusal by the other to enter into a contract of marriage."

Miss Hochstein also set up a counter-claim for damages on the bond and to claim for the return of the ring. The court, and both the courts hold that her claim is good.

CASH VOTED BY CITY TO CELEBRATE FOURTH GRABBED BY GRAFTERS

Residents of Aldermanic Districts Cheated Out of a Fine Display of Fireworks While the Ringsters Profit

VICE CHAIRMAN BENT STARTS INVESTIGATION.

Inquiry Based on an Affidavit by Fireworks Manufacturer—\$10,000 the Sum That Is Involved.

The game of a miserably mean grafter who chose the birthday of his country as the occasion for cheating thousands of grown people and children out of the money voted by the city to give them a fireworks display was uncovered this afternoon by indignant aldermen from Brooklyn, who discovered:

1. That the displays of fireworks furnished to the city by the contractor, was inadequate and skimpy and not worth the \$400 allotted to each Aldermanic District for fireworks.
2. That as a matter of fact the real manufacturer of the fireworks, Michael Mamma of East Durham, N. J., received from the United Fireworks Company, through whose representative, Aubrey Love, the contract with the Celebration Committee was made, just \$100 for the supply for each district.
3. That the man sent by the company to superintend the displays in various Aldermanic Districts were not experts but one of least of them was an East Side "pants maker" until yesterday morning.
4. That the contract between the United Fireworks Company and the Celebration Committee was made by Alderman Samuel Marx of Manhattan, acting as a member of the committee and not as an Alderman.
5. That the United Fireworks Company receives mail at Trenton, N. J., but is not listed by the commercial agencies and has no telephone connection there.

FOUGHT FIERCELY AGAINST RESCUE FROM EAST RIVER

Screaming Frenchman Saved From Suckling by Heroic Efforts of James Archibald.

Laborers loading a brick barge at the Charity Department pier at Twenty-sixth street and East River to-day were startled by a man who, screaming frantically in French, jumped into the water. James Archibald of No. 341 East Twenty-eighth street immediately leaped after him, got a grip on his clothes and tried to pull him to the pier. The man fought desperately with his would-be rescuer.

Patrolman Donovan threw a rope to Archibald and the laborers managed with difficulty to land both men.

The moment the patrolman tried to take the Frenchman in charge he began to fight away, all the time screaming that every one was trying to kill him. The man was finally taken to Bellevue Hospital by Dr. Justineau and Dr. Mostafae. There he gave his name as Albert Wenter and said he had no home.

OTTAWA CREW DEFEATS LONDON EIGHT AT HENLY.

LONDON, July 5.—The Ottawa crew to-day defeated the London crew in the first heat for the Stewart's Cup in the Henly Regatta programme. Ottawa's time was 7:28.

World's greatest rowing race. Ottawa crew defeated London crew in the first heat for the Stewart's Cup in the Henly Regatta programme. Ottawa's time was 7:28.